

**PLANNING AND ZONING COMMISSION
AUGUST 28, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Jasen Hardisen
Hector Moreno
Raquenel Austin
Ruben Arcaute
Debra L. Alavarez

P&Z ABSENT

STAFF PRESENT

Jaime Acevedo
Susana De Luna
Jessica Muñoz
Carmen Castro

GUESTS PRESENT

Ruby Chapa
Maria I. Rivas
Alejandro Romero
Roberto & Teresa Gon.
Javier Flores
John Escamilla

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:31 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR AUGUST 14, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for August 14, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:43 p.m.

Item #1.1

Rezoning:

**Lot 12, Block 81,
Mission Original Townsite Subdivision
R-1 to R-2
Roberto Gonzalez**

Mr. Acevedo went over the write-up stating that the subject site is located at the SW corner of East 5th Street and Francisco Avenue

SURROUNDING ZONES:

N:	R-1	Single Family Residential
E:	R-1	Single Family Residential
W:	R-1	Single Family Residential
S:	R-1	Single Family Residential

EXISTING LAND USES: N: Vacant
E: Multi-Family Residential
W: Residential
S: Vacant

FLUM: The Future Land Use Map reflects a LD designation.

REVIEW COMMENTS: This is in an area where we have a mixture of land uses. There is a church, a multi-family complex, vacant lots, and single-family homes all within 300 feet of the subject property. The Future Land Use Map reflects Low Density (LD) Residential; reflecting that R-1 remains the best compatible use for the neighborhood. Rezoning the site R-2 would also go against the mass zoning that was done by the PNZ and Council for the Old Townsite area in 2008.

RECOMMENDATION:
Denial.

Chairwoman Izaguirre asked if there was anyone for or against this item.

In opposition, Mrs. Ruby Chapa Ornick who resides at 410 Oblate stated behind my house there's two sets of apartments and on the 4th of July they discharge guns.

Mr. Ruben Arcaute asked if lot 10 and the empty lot on the south side were multi-family residential.

Mr. Jaime Acevedo replied "No". He added that Lot 10 has a triplex and there is a vacant lot in between the proposed site location.

Mr. Ruben Aracute asked if the properties on the west side were multi-family.

Mr. Acevedo replied there is a mixture of triplex, fourplex, and homes in this area.

Mr. Roberto Gonzalez who resides at 1714 N. Bryan Rd. stated that he was the applicant and was requesting the rezoning. He added that this rezoning would help the community with the school system and would bring more children to the schools.

Mrs. Debra Alvarez asked everything that is existing to that area was prior to 2008.

Mr. Acevedo replied, "Yes".

Chairwoman Izaguirre asked how do petitions work.

Mr. Acevedo replied, when someone brings a petition it just requires a super majority vote.

Mr. Roberto Gonzalez stated with these vacant lots no one wants to build a home, that is surrounded by duplexes. By me building a duplex it creates more taxes for the city.

Mr. Acevedo mentioned, right now the zoning we have is R-2 which allows duplex-fourplex, if we would have a zoning that allows only for duplex then it would change things but we don't. If we would approve this rezoning as a R-2 and three or four apartments fit then there's nothing to stop them from building three or four. We need to take a look at our zoning code and possibly allow for duplex only.

Mrs. Debra Alvarez asked would it be an option to build a duplex only.

Mr. Roberto Gonzalez replied "yes" that would be fine, but would it still be zoned R-2.

Chairwoman Izaguirre replied "no" we would have to look into it.

Mr. Roberto Gonzalez mentioned my goal is to build three apartments.

Chairwoman Izaguirre replied we have an ordinance that doesn't allow what your requesting. What we are looking at is something in between what your requesting and what is existing, maybe not three but two.

Mr. Roberto Gonzalez mentioned this is a business and the money I'm going to invest has to be worth it, the way I see it a three plex would justify for the expense I'm going to make.

Mrs. Teresa Gonzalez resides at 1714 N. Bryan Rd. stated I work for the school district and we have seen a decline in the number of students, you're not just helping the city with taxes your helping the school district.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardisen moved to table the rezoning. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:45 p.m.

Item #1.2

Rezoning:

Lot 7, Villa Capri Subdivision

AO-I to R-2

Maria Isabel Rivas

Mr. Acevedo went over the write-up stating that this site is located between Schuerbach and Moorefield Road, along the north side of Kings Drive. The irregular lot measures .44 acres or 19,166 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim

W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Agricultural
E: Multi Family Residential
W: Single Family Residential
S: Single Family Residential
Site: Vacant

FLUM: Not on FLUM (Recently Annexed Area)

REVIEW COMMENTS: The subject site is in an area north of Mile 3 Road that was recently annexed by the City of Mission. It is noted that the majority of the lots on this section of Kings Drive are multi-family. The R-2 proposes to merge the multi-family land uses already existing in this area. The irregular lot measures almost ½ an acre and can easily accommodate a four-plex with onsite parking thereon. It is also noted, that when the applicant purchased the property prior to annexation, her intention was to use the property for multi-family. However, all annexed properties are given the AO-I Agricultural Open Interim designation. As of the time of this writing, we did receive one person within the 200’ radius come in and voiced his opposition of this request.

RECOMMENDATION:
Approval.

Chairwoman Izaguirre asked if there was anyone for or against this item.

There was no response.

Chairwoman Izaguirre asked if there was any input from the Board.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raquanel Austin moved to approve the rezoning. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.
Ended: 5:47 p.m.

Item #1.3

**Conditional Use Permit: Sale of Gasoline
1900 W. Mile 3 Road
Lot 1, EZ Clean Subdivision (U/R)
C-3
Circle K**

Mr. Acevedo went over the write-up stating that this site is located at the North West corner of West Mile 3 Road and Inspiration Road. The proposed Circle K Store is one of

many Circle K's that are being proposed for the entire Rio Grande Valley. Circle K has been in the convenience retailing industry for over 60 years now. Circle K had been in the Rio Grande Valley in the past but had sold its stores to Stripes. After the recent sale of Stripes to 7-Eleven, Circle K has decided to reintroduce their convenience stores to the Valley. Since a CUP is required the sale of gasoline, Circle K has applied for a CUP at this site which is still in the design phase. We have received plans for review and construction will commence in the next few weeks. We will likely see more of these CUP request from Circle K in the months to come as they make their way back into Mission.

- **Hours of Operation:** Open every day for 24 hours, 7 days a week
- **Staff:** Each Circle K store can have up to 20 total employees
- **Parking & Landscaping:** The project is in the design phase. However, prior to issuance of Building Permit, Staff will ensure that parking and landscaping are meeting code.

RECOMMENDATION: Since dealing with a franchise that has a history of successfully selling gasoline, staff recommends approval of this Conditional Use Permit request for life of use.

Chairwoman Izaguirre asked if there was anyone for or against this item.

There was no response.

Chairwoman Izaguirre asked if there was any input from the Board.

There being no discussion, Chairwoman Izaguirre entertained a motion.

Mr. Ruben Arcaute moved to approve the conditional use permit as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:49 p.m.

Item #1.4

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Extreme Pizza
608 N. Shary Road, Units 4 & 5
Lot 1, Alba Plaza Subdivision
C-3
Argos Foods, LLC**

Mr. Acevedo went over the write-up stating that this site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of Shary Road. Extreme Pizza recently moved in to this commercial plaza earlier this year and the family-oriented restaurant sells pizza, chicken wings, sandwiches, salads, and desserts. The applicant is requesting a CUP for the sale of beer and wine.

- **Sale of Alcohol (Section 1.56-3):** The Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There are residences within 300' (see aerial). P&Z and the Council waived this separation requirement in other CUP's along Shary Road.
- **Hours of operation:** Monday through Sunday from 11a.m. to 11p.m.
- **Employees:** 12 to 13 employees, 3 to 5 per shift
- **Parking:** Parking is held in common and is meeting code at this commercial plaza.

REVIEW COMMENTS: The proposed restaurant is new to the area and is in a commercial plaza that was recently constructed. The hours are consistent with other family restaurants in the area. A total of 25 notices were mailed out to property owners within 200' of the pizzeria. As of the time of this writing August 20, 2019, staff had not received any calls in favor or against the CUP request. Staff does not object to allowing the sale of alcohol at this location.

RECOMMENDATION

Staff recommends approval subject to: waiver of 300' separation requirement from City Council and CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license.

Chairwoman Izaguirre asked if there was anyone for or against this item.

There was no response.

Chairwoman Izaguirre asked if there was any input from the Board.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raquanel Austin moved to approve the conditional use permit as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:52 p.m.

Item #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcohol – Cristobal's Bar & Grill
515 N. Conway Avenue
Lot 10, Block 92, Mission Original Townsite
C-3
Cristobal's Bar & Grill, LLC (c/o John Escamilla)**

Chairwoman Izaguirre entertained a motion to remove item 1.5 from the table. Mr. Ruben Arcaute moved to remove the item from the table. Mr. Hector Moreno seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Acevedo went over the write-up stating that this site is located along the west side of Conway between 5th and 6th Street. Access to the site can be from Conway or from the alley where there is a paved parking area. The applicant would like to operate a bar and grill from this location and requires a CUP for sale and on-site consumption of alcohol. Previously, this was the site for a grandfathered cantina in the downtown area. However, the cantina closed down over 15 years ago and lost its grandfathered status.

- **Hours of Operation:** Monday – Thursday from 4:00 p.m. to 11:00 p.m. and Friday – Sunday from 11:00 a.m. to 11:00 p.m.
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 63 total seating spaces in the indoor area and 38 parking spaces for the outdoor patio area. Although they have a paved parking area off the rear alley, this falls within the central business district so the parking requirements are waived.

REVIEW COMMENTS: Such uses need to be 300' from residential and institutional (church) areas. There are residential homes directly behind the alley that fall within the 300'. Guadalupe Catholic Church is outside the 300-foot radius since measurement is taken from front door to front door. The applicant obtained a MEDC loan for the downtown revitalization program. After visiting the site, I can say that the primary use at this location will be that of a restaurant. The hours of operation are also consistent with that of a family oriented restaurant. We have approved similar CUP's along Conway without any issues just north at El Rodeo Restaurant. As of this writing we have not had any calls or letters in favor or against this request.

RECOMMENDATION: Staff recommends approval subject waiver of 300' separation requirement from City Council and CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license.

Chairwoman Izaguirre asked if there was anyone for or against this item.

There was no response.

Chairwoman Izaguirre asked if there was any input from the Board.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Debra Alvarez moved to approve the conditional use permit as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:52 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission